



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/057,406 04/08/98 WERENICZ

H 94-36-3-US-D

EXAMINER

IM62/0218

HB FULLER CO
3450 LABORE RD
ST PAUL MN 55110

AFTERGUT, J

ART UNIT

PAPER NUMBER

1733
DATE MAILED:

02/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/057,406

Applicant(s)

Werenicz et al

Examiner

Jeff H. Aftergut

Group Art Unit

1733



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 14, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
The reference to HM 640 expressly suggested that other dies other than fiberizing dies (including slot nozzles) would have been useful with the device. The applicant is referred to page 2 of the spec sheet the (see attached sheet)
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
Claims allowed: none
Claims objected to: none
Claims rejected: 1-13 and 33-46

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Other see the attached sheet

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PRIMARY EXAMINER
ART UNIT 1733


Art Unit: 1733

portion which is headed "Application Versatility". The applicant also submitted the reference to Appel et al (which was discussed in Boger as noted by applicant) and stated that the reference made it clear that there was a relationship between control coating and the process of applying the conformal coating in Boger. While there appears to be similarities between the dies and the use of air slots to apply the coatings, the reference to Boger et al upon further examination required the use of a shim in the slot which shim was a segmented shim 45. The segmented shim is not present in Appel et al and the segmented shim 45 is critical in the formation of a film with the device of Boger, see column 6, lines 30-32, column 8 for a discussion of the shim. The "Control Coat" spec sheet as well as the information submitted in the declaration fail to suggest that the device was operated with the specified shim within the slot nozzle which as noted above was critical in the formation of a film from the die. It is readily apparent in Boger et al that a film was indeed formed as the material exited the slot as such was expressly claimed (see claim 1 for example). There is a lack of nexus between the film casting nozzle of Boger et al which included the shim therein and the declaration as submitted.

It should be noted that a copy of PCT WO 96/25902 had already been obtained by the examiner in the application. The request for information related to the document listed as an "X" document against some of the claims cited within the WO document, namely the article entitled "INDEX - 93 INT. CONGRESS FOR THE NONWOVENS AND DISPOSABLE INDUSTRIES, 20-23/4- 93, GENEVA, SWITZERLAND, XP002003879 J-C. Cardinal & Y. TROUILHET: "A new low cost effective method to confer tailored breathability and liquid

Art Unit: 1733

properties to nonwovens". It is assumed that applicant has a copy of the same and it is requested that this document which was identified as an "X" reference in the WIPO search report be submitted for consideration by applicant.


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GROUP 1300